

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

3. The petitioner was reviewed again in May of 2004. At that time the petitioner verified that during the preceding year she had moved to a Section 8 housing unit for which her rent was \$146 per month. Her rent included all of her utilities except electricity.

4. DCF calculated the petitioner's eligibility by subjecting her Social Security income of \$616.04 to a standard deduction of \$134 per month for a countable income of \$482.04. DCF added the petitioner's rent obligation of \$146 to a standardized electric utility allowance of \$149 per month. The total, \$295 was considered her shelter expense. The amount by which that shelter expense exceeded fifty percent (\$241.02) of the petitioner's income or \$53.98 was deducted from her income as an excess shelter expense. The final countable income for Food Stamps was calculated to be \$428.06 per month. DCF determined that her countable income entitled her to \$12 per month in Food Stamps.

5. The petitioner was notified of these figures on May 14, 2004, and was advised that her Food Stamps would be reduced to \$12 per month on June 1, 2004. The petitioner appealed that decision on July 22, after the cut had already occurred.

6. The petitioner says that the decrease is unfair because she already lives on a razor thin budget. Much of her income is spent on her car, insurance and gas to get around in the rural area in which she lives. She says that if she cannot get proper nutrition now, she will need to take drugs that will cost Medicaid more than a thousand dollars per

month. She asks DCF to take this situation into consideration.

ORDER

The decision of DCF is affirmed.

REASONS

Regulations in the Food Stamp program require the inclusion of social security income subject to a number of possible deductions, including the "standard deduction" of \$134 for one person households and the "excess shelter deduction." F.S.M. 273.9b(2), 273.9d(1) and (5). The "excess shelter deduction" allows "monthly shelter costs in excess of fifty percent of the household's income after all other deductions . . . have been allowed." F.S.M. 273.9d(5)(i). Shelter costs include the cost of rent plus utilities. F.S.M. 273(5)(i)(A) and (C). Vermont uses a standard utility amount for renters whose heat is included in the rent to cover the cost of electricity and cooking fuel. F.S.M. § 273.9d(6)(v)(C)(2). The standard utility amount without heat is currently \$149 per month. P-2590A(5).

The petitioner received the standard allowance of \$134 for an individual household, bringing her net income to \$482.04. DFC further deducted an excess shelter allowance for

the petitioner from that amount. That excess was calculated by first adding the petitioner's \$146 rent payment to the \$149 standard utility allowance for a total monthly shelter expense of \$295 per month. That \$295 per month expense was then determined to be \$53.98 in excess of fifty percent of the petitioner's income (\$241.02). The \$53.98 was deducted from her income as the "excess shelter amount." The net income after the deduction was \$428.06. DCF correctly calculated the petitioner's net income under the above regulations.

The regulations further provide that a single person with net countable income of \$428.06 per month is entitled to \$12 per month in Food Stamp benefits. P-2590 D5. Thus DCF was correct in notifying the petitioner that her Food Stamps would be decreased based on her lower shelter amount this year. The petitioner should be aware that if she has any expenses in the future related to her medical care that are not covered by Medicaid, she should bring those to DCF's attention for a possible excess medical deduction. As DCF has given the petitioner all available deductions at this time and has correctly calculated her income, the Board is bound to affirm the result. Fair Hearing Rule 17, 3 V.S.A. § 3091(d).

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